

# NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Vol. 5, No. 1, January, 1953

Philadelphia, Pa.

## Many C.O. Prosecutions Postponed

### New Regulations Issued

A new Executive Order issued December 19 (No. 10420, 17 F.R. 11465) has changed Selective Service Regulations in regard to the personal appearance of the registrant before the local board, in regard to special releases from civilian work assignment, and in regard to the eligibility of special registrants for certain classifications.

Most significant is the new requirement for the registrant to summarize in writing the new information which he presents to the board at the time of his personal appearance before the board. It has previously been the responsibility of the local board to reduce this information to writing for inclusion in the registrant's file and possible subsequent transmittal to the appeal board. This change has probably resulted from court victories won because of the inadequacy or absence of such summaries by the local board.

### Work Release Changed

The civilian work regulations have been changed to allow the Director of Selective Service to release I.W.'s from civilian work whenever he "deems such release to be advisable." Previously the Director could release men only on the basis of physical or mental incapacity of the registrant or hardship to dependents. The new regulation provides that men given this type of release will be considered as having satisfactorily completed their term of service, and they will be classified I-W (Rel.). It is hoped that General Hershey will use this broadened regulation to grant consideration for time served in Civilian Public Service.

In another change of no special significance to conscientious objectors the regulations were amended to allow special registrants (doctors, dentists, etc.) to be classified II-S, IV-B, or IV-C under certain circumstances. Previously these classifications were not available to special registrants.

Changes such as these will necessitate notations in the Handbook for Conscientious Objectors in order to keep it up-to-date. Note the correction box elsewhere in this issue which gives specific instructions for making the corrections for the present changes. Printed copies of this correction box are available free of charge for insertion in Handbooks by organizations stocking quantities of the Handbooks for distribution.

### Justice Department Approves Nationwide Delay in Cases Involving FBI

The Department of Justice has reported that it is now the official policy of the Department that no C.O. cases involving the point of law in the Nugent decision will be prosecuted pending review of the case by the Supreme Court or denial of certiorari by the Supreme Court. The Nugent decision (See NEWS NOTES, December, 1952, for a full report) is an opinion by the Second Circuit Court of Appeals declaring the use of secret FBI reports in the C.O. classification appeal process to be contrary to the intention of the draft law.

The cases affected will be those where the registrant has sought either I-O or I-A-O classification on appeal, were denied the classification sought, and completed the administrative processes by taking a physical examination and reporting for induction but refusing to be inducted.

Cases of men who seek C.O. classification but who do not complete the administrative processes are not involved, for the Supreme Court has previously ruled that these men are not entitled to judicial review of the handling of their classification by Selective Service.

### Non-registrants Not Affected

Prosecutions of non-registrants and other absolutists are not delayed for the allegedly illegal FBI report is not involved in these cases.

If cases involving the Nugent point of law are already on the criminal trial list, removal from the list is subject to the approval of the presiding judge. In a couple of cases the judge has demanded that the cases be tried or dropped, and in these instances the Department of Justice will prosecute.

If any United States Attorney apparently intends to prosecute a C.O., counter to this declared policy outlined above, the defense attorney should immediately get in touch with the Department of Justice in Washington or request the Central Committee for C.O.'s to do so for him.

As we go to press, the Solicitor-General has not publicly announced whether or not the government will appeal the Nugent decision. However, Department of Justice officials are assuming that the staff recommendation to appeal the case will be accepted.

## Deserters Granted Amnesty

December 24 President Truman granted amnesty to all persons convicted of desertion from the armed forces between the dates of August 14, 1945 and June 25, 1950. The Department of Defense estimated that 8,940 men would be given full pardons as a result of the President's Proclamation. Also granted amnesty were those men convicted of civil crimes who have since become veterans of the Korean war. J. Parnell Thomas and Andrew J. May also had their names added to the roll of those many politicians convicted of crimes and later pardoned by Truman.

It had previously been announced that another group of German "war criminals" were to be given a Christmas amnesty.

Conspicuous by their absence from the list of those granted amnesty during the Christmas season were the 13,000 still unpardoned violators of the 1940 draft law, many of them conscientious objectors whose sincerity and religious motivation have been admitted by both Selective Service and the Department of Justice.

The Central Committee for Conscientious Objectors, with the cooperation of other agencies interested in C.O. problems, has been requesting of President Truman through various private persons and government officials that amnesty be granted 1940 draft violators before January 20. This effort will continue, although no encouragement has been received to indicate that such an amnesty will be granted.

During the course of an intensive campaign for amnesty for conscientious objectors which started in 1945 and carried on through 1947 it became evident that public opinion supports such a proclamation by the President. Labor, church, and civil liberties groups went on record as requesting such a proclamation.

CCCCO does not oppose pardons for any individuals nor amnesty for any groups of law violators. However, the committee feels that violators of the 1940 draft law should be eligible for the same consideration as those who go into the army and then desert, those convicted of war-time atrocities, or politicians who fill their pockets or stuff ballot boxes at the expense of the public.

### HANDBOOK CORRECTIONS

Page 15, line 7—after the phrase "summarized in writing" insert the words "by the registrant"

Page 26, line 24—after "deems such release to be" delete "necessary by reason of the physical or mental incapacity of the registrant or by reason of undue hardship to a person dependent upon the registrant" and insert instead of the deleted phrase the single word "advisable"

These corrections bring the Handbook up-to-date as of January 1, 1953.

## Christiano Acquitted Again

For the second time in less than two years, Nicholas Christiano has been acquitted of refusal to submit for induction. History repeated itself in detail on November 17, 1952 as the same defendant was acquitted by the same judge (J. Joseph Smith) in the same court room (Hartford, Conn.) with the assistance of the same defense attorney (Marvin Karp). The first acquittal was April 4, 1951. However, the grounds for the acquittal differed. The first acquittal was because of procedural error by the draft board. The latest acquittal was on the basis of the Second Circuit opinion ruling that the secret reports of the FBI violated the law. Between acquittals Christiano's case went back to the local board and again went through the entire Selective Service C.O. appeal process.

The case will now make a third start for classification at the local board level.

### Judge Lectures Board

Apparently the local board thinks that Christiano cannot be a conscientious objector because he is a Catholic. On this point, Judge Smith remarked, "It may be well to call the attention of the Boards for consideration in reclassification in this case to a question which apparently has been troublesome here. It appears to be the claim of the defendant that the Local Board's classification as well as the recommendation of the hearing officer was based on a holding that there cannot be a conscientious objector under the Act who derives his objection in conscience from the teaching of the Roman Catholic Church. If that is so, the Board should consider that while mere membership in a religious group which teaches conscientious objection to war is not an automatic basis for classification as a conscientious objector, neither is membership in a religious group which does not require conscientious objection to war automatically a basis for classification of an individual as not a conscientious objector. The first question is the sincerity of the objection in the individual's conscience; the second, whether in his individual case he can establish that his conscientious objection is based upon the religious training and belief which he has received and holds within the definition of 'religious' contained in the Act."

### Wurtz Case Similar

In a somewhat similar case, Andrew Wurtz, a Hutterite, has also won a second court victory. Wurtz was originally acquitted April 30, 1951, because of a procedural error by his draft board. October 14, 1952, he was again in court, but according to our indirect report the case was dismissed because of a faulty indictment. This means that he was not tried, and there was no court decision as to his guilt or lack of guilt. Wurtz could still face a trial for refusal to submit to induction without his being processed again by the draft board.

## Briefly Noted

CCCO wishes to take this opportunity of acknowledging with thanks the many Christmas greetings which came to us from the readers of NEWS NOTES. It was greatly appreciated that many persons made the Christmas season an occasion to send us greetings or a thank you note for our work.

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As we go to press, it is too soon to report on the number of Christmas cards received by C.O.'s in prison. The unusually large number of releases (See The Court Reporter, page 4) following the publication of the December issue of NEWS NOTES resulted in a larger number of cards being returned to the senders than is customary. Generally, a returned card means that the C.O. had the best Christmas gift possible, release from prison.

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Robert Michener is one of the C.O.'s who was released at Christmastime. He was serving his second sentence for refusal to cooperate with the draft. His case became known nationally when he received a ten-year sentence February 23, 1951. The sentence was reduced to five years, following wide-spread protests for the ten-year sentence. Early in December Michener received word that his application for parole was denied. However, the Board of Parole reviewed the case immediately, and parole was granted.

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Someone in the far west who ordered three copies of our Handbook for C.O.'s probably has a poor opinion of our efficiency. Three copies were returned to us by the Denver, Colorado post office with no indication of the addressee. Evidently the envelope in which they were mailed did not stand the Christmas rush. If your order for three copies is long overdue, please write us.

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The Handbook for Conscientious Objectors has sold over 5,200 copies in the first month of its availability. If you, your draft counselors, your local ministers, and your public libraries do not yet have copies it is available from CCCO and a number of cooperating organizations. It is 35c per copy or three copies for \$1.00, postpaid, or 25c per copy plus postage in quantities of ten or more.

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The NOTICE to men of draft age is also getting good circulation around the country. Nearly 7,000 copies have been distributed to-date. It is an 8½ by 11 poster to inform conscientious objectors of the availability of CCCO services as well as the services of local counseling agencies. It is free in orders of ten or less and 1c per copy postpaid for large orders. A large number of the notices are being used by the War Resisters League and the Fellowship of Reconciliation.

## Department of Horrid Threats

"We're washing our hands of this case. Just let anybody come before us with a Bible and sing hymns and we'll turn him loose.

"And we're not going to call this man up again. The Court of Appeals let him go and they can have him."

(Statement of draft board chairman as quoted by the Cincinnati Post following reversal of conviction of J. W. because the draft board didn't follow the regulations.)

## Aideen MacLennon

We're glad to give Robert Wilson an A for effort on his novel, Aideen MacLennon (Fellowship Publications, 21 Audubon Ave., N. Y. 32, N. Y., \$2.75. CPS and federal prisons were at one time filled with conscientious objectors who talked about writing a book on their experiences. As far as we know, Wilson is the only one who has attempted this kind of a job.

Wilson, who calls himself "a farmer who has written a book," must have met many frustrations and spent tremendous energy in the years he was writing this book. Unfortunately, this formula does not guarantee good literature, and Aideen MacLennon turns out to be just another example of amateur writing.

In an advertising blurb the publisher says about Aideen, "Those who idolize C.O.'s may be disturbed by his human faults." Perhaps that was meant to silence reviewers such as NEWS NOTES with one non-violent blow. Actually, we don't object to Aideen because of his human faults but because he is not human. Some C.O.'s don't seem to know much about winning friends and influencing people, but they are alive. The characters in Aideen MacLennon seem to have come out of a wax works.

Probably the basic mistake in this book is the effort to grapple with such a tremendous amount of material. The reader is not only led through all of Aideen's experiences as a conscientious objector in CPS, a mental hospital and a cattleboat trip, but also told in detail of his struggles with his father, the draft, a weak ankle, and relations with women. Prison psychiatrists who like to pin Freudian labels on C.O.'s will drool for a chance at Aideen as they read the latter. Incidentally, we are also told of Aideen's participation in things such as hiking, AFSC work camps, fast driving, a Presidential election, and interracial fellowship. As a farmer, Wilson should know that although you may take a full load of feed out to the lot you don't have to throw it off all at once.

If the novel had been built around the mental hospital experience, the best part of the book, the result might have been much better, not only as literature but in giving the non-pacifist reader an understanding of conscientious objectors.



## THE COURT REPORTER

### I PROSECUTIONS

*Confirmation not previously available*

6-26-52 George Ibasfalean, 5 years, (Detroit, Mich.) Judge Frank Picard

10-22-52 Richard Smith, 18 months, (Minneapolis, Minn.) Judge Matthew Joyce

*Sentenced since last issue*

11-24-52 Frank Laraway, 15 months, (Mobile, Ala.) Judge Daniel Thomas

11-25-52 Stephen Barragato, 1 yr. & 1 day, (Boston, Mass.) Judge George Sweeney

*Acquittals*

10-14-52 Andrew Wurtz, (Harve, Mont.) faulty indictment

11-17-52 Nicholas Christiano, (Hartford, Conn.) Judge Joseph Smith

*Appeals*

10-8-52 Ted Head, conviction sustained, Tenth Circuit Court of Appeals

11-3-52 Robert Tyrell, conviction sustained, Ninth Circuit Court of Appeals

12-15-52 Stanley Sydow, motion to file petition for writ of habeas corpus denied, United States Supreme Court

*Arrests since last issue*

California—Fred Hildebrand

New York—Vincent La Barbera

Pennsylvania—Vail Palmer

### II RELEASED FROM PRISON

*On parole*

9-27-52 Franklin Curia

10- -52 Jim George

12-10-52 Henry Koster

12-11-52 Reuben Kaufman

12-13-52 Marvin Koehn

12-22-52 Edward Hosten

12-25-52 Robert Michener

### III MEN CURRENTLY IMPRISONED

Ashland, Ky.—Kenneth Champney, James Pierce, Clifford Walter, Don Begeman, Edwin White

Chillicothe, Ohio—Carlton Owen

Danbury, Conn.—Lester Packer, Wilbert Wilson, Paul Zimmerman, James Wenger, Stephen Barragato

Milan, Mich.—Robert Suydam, Richard Smith  
Mill Point, W. Va.—Loy Imboden, M. H. Rambo, George Ibasfalean

McNeil Island, Wash.—Donald Koch, James MacDonald, Roger Rose, Richard Barrett, Hubert Barnes, George Waegell

Petersburg, Va.—Larry Atkins, Gordon Oehser, Vasyi Sereda

Springfield, Mo.—Robert Beach, Willie Rogers (previously erroneously listed as George Rogers), Grady Rogers, Robert Starkweather

Tallahassee, Fla.—Frank Laraway

Tucson, Ariz.—Alfred Dana, Jack Jenewin, Howard Harris, William Georgeoff, George Meade, Norman Rush, Rudy Linan, Roy Elder, Thomas Hidley

Tulelake, Cal.—Frank Broderick, Emmett Blincoe,

I was a prisoner for two years . . . I went to jail for a crime, but in a way I am glad I did, otherwise I would never have met those two good guys. They're better Americans and Christians than a whole army put together. Those boys work hard . . . never say no . . . volunteered for crew members on the fire truck . . . started a Bible class . . . leaders in everything . . . very humble . . . donated blood . . . It would take me pages to list all they do. Let me tell you I respect a man who stands up for what he believes in his heart.

(Excerpts from a letter to CCCO from an ex-inmate of a federal prison who had met a couple of conscientious objectors in prison.)

## Vail Palmer Arrested Again

T. Vail Palmer, Jr. reported for arrest at the United States Marshal's office in Philadelphia December 29. Palmer had just returned to this country from England, where he had attended the Friends World Conference at Oxford last summer and then remained in England for a period of study. In his absence a bench warrant was issued for his arrest.

The arrest marks the beginning of the first second prosecution in the Philadelphia area. Palmer served a year and a day sentence at Danbury for refusal to register. He was sentenced November 20, 1950, denied parole, and released on "good time" September 1, 1951.

He was registered by the prison administration and his registration sent to the draft board having jurisdiction at his home address. He subsequently received a questionnaire and orders to report for a physical examination and induction. He did not comply with the orders nor file the questionnaire because of his conscientious objections to cooperating with conscription.

Harold Gilmore

County jail waiting for transfer—Omaha, Neb.—

Stanley Sydow

Total number of C.O.'s convicted since 1948 Act to date: 177 (J.W.'s and Muslims are not included.)

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